

REFERENCE TITLE: price regulation; abnormal market disruptions

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1322

Introduced by
Senators Ortiz: Bravo, Diaz, Gabaldón, Hatathlie, Kuby, Sears,
Sundareshan; Representative Liguori

AN ACT

AMENDING TITLE 44, CHAPTER 9, ARIZONA REVISED STATUTES, BY ADDING ARTICLE
27; RELATING TO TRADE PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 44, chapter 9, Arizona Revised Statutes, is
3 amended by adding article 27, to read:

4 ARTICLE 27. PRICE REGULATION

5 44-1383. Abnormal disruption of the market; excess pricing;
6 prohibition; definitions

7 A. DURING AN ABNORMAL DISRUPTION OF THE MARKET FOR GOODS AND
8 SERVICES THAT ARE NECESSARY FOR THE HEALTH, SAFETY AND WELFARE OF
9 CONSUMERS, A PERSON WITHIN THE CHAIN OF DISTRIBUTION OF THE GOODS AND
10 SERVICES MAY NOT SELL OR OFFER TO SELL THE GOODS AND SERVICES FOR A PRICE
11 THAT IS FIFTEEN PERCENT OR MORE THAN THE PRICE AT WHICH THE GOODS AND
12 SERVICES WERE SOLD OR OFFERED FOR SALE BY THE PERSON SIXTY DAYS BEFORE THE
13 ABNORMAL DISRUPTION OF THE MARKET. GOODS AND SERVICES THAT ARE SOLD FOR A
14 PRICE THAT IS FIFTEEN PERCENT OR MORE IS PRESUMED TO BE UNCONSCIONABLE,
15 AND A PERSON MAY REBUT THE PRESUMPTION ON A SHOWING THAT THE COST OF THE
16 GOODS AND SERVICES INCREASED BY AT LEAST TEN PERCENT TO THE SELLER.

17 B. FOR THE PURPOSES OF THIS SECTION:

18 1. "ABNORMAL DISRUPTION OF THE MARKET":

19 (a) MEANS ANY CHANGE IN THE MARKET, WHETHER ACTUAL OR IMMINENTLY
20 THREATENED, THAT RESULTS FROM ANY OF THE FOLLOWING:

21 (i) THE WEATHER.

22 (ii) AN ACT OF NATURE.

23 (iii) A FAILURE OR SHORTAGE OF ELECTRIC POWER OR OTHER SOURCE OF
24 ENERGY.

25 (iv) A STRIKE.

26 (v) CIVIL DISORDER.

27 (vi) WAR.

28 (vii) MILITARY ACTION.

29 (viii) A NATIONAL OR LOCAL EMERGENCY.

30 (ix) ANY OTHER CAUSE OF AN ABNORMAL DISRUPTION OF THE MARKET THAT
31 CAUSES THE GOVERNOR TO DECLARE A STATE OF EMERGENCY.

32 (b) INCLUDES:

33 (i) THE GOVERNOR DECLARING A STATE OF EMERGENCY PURSUANT TO SECTION
34 26-321.

35 (ii) A DETERMINATION BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH
36 SERVICES THAT CONSUMER PRICES FOR FOOD AND ENERGY HAVE INCREASED BY AT
37 LEAST TEN PERCENT ABOVE THE REPORTED CONSUMER PRICE INDEX FOR FOOD AND
38 ENERGY DURING THE PREVIOUS THIRTY-DAY PERIOD.

39 2. "GOODS AND SERVICES":

40 (a) INCLUDES ANY OF THE FOLLOWING:

41 (i) FOOD.

42 (ii) WATER.

43 (iii) DIAPERS.

44 (iv) FEMININE HYGIENE PRODUCTS.

45 (v) PRESCRIPTION DRUGS.

- 1 (vi) ELECTRICITY.
- 2 (vii) NATURAL GAS.
- 3 (viii) PROPANE.
- 4 (ix) GASOLINE.
- 5 (x) TELEPHONE AND BROADBAND SERVICE.
- 6 (b) DOES NOT INCLUDE LUXURY ITEMS.

7 3. "PERSON WITHIN THE CHAIN OF DISTRIBUTION" INCLUDES A
8 MANUFACTURER, SUPPLIER, WHOLESALER, DISTRIBUTOR OR RETAIL SELLER OF GOODS
9 OR SERVICES.

10 44-1383.01. Enforcement; attorney general; violations;
11 classification; treble damages

12 A. THE ATTORNEY GENERAL SHALL ENFORCE THIS ARTICLE.

13 B. A PERSON WHO INTENTIONALLY VIOLATES THIS ARTICLE IS GUILTY OF A
14 CLASS 1 MISDEMEANOR.

15 C. EXCEPT AS PROVIDED IN SUBSECTION B OF THIS SECTION, A PERSON WHO
16 VIOLATES THIS ARTICLE IS GUILTY OF A CLASS 2 MISDEMEANOR.

17 D. THE ATTORNEY GENERAL MAY BRING AN ACTION IN A COURT OF COMPETENT
18 JURISDICTION TO SEEK AN INJUNCTION THAT PROHIBITS A PERSON FROM CONTINUING
19 OR ENGAGING IN THE PRACTICE THAT IS IN VIOLATION OF THIS ARTICLE.

20 E. THE COURT MAY ORDER A PERSON WHO VIOLATES THIS ARTICLE TO PAY
21 TREBLE DAMAGES TO ANY PERSON INJURED BY A VIOLATION.

22 F. IF A PERSON IN VIOLATION OF THIS ARTICLE HOLDS A LICENSE TO
23 CONDUCT BUSINESS IN THIS STATE, THE ATTORNEY GENERAL SHALL FORWARD
24 INFORMATION REGARDING THE VIOLATION TO THE APPROPRIATE LICENSING BOARD OR
25 REGULATORY AGENCY FOR REVIEW AND ACTION AS AUTHORIZED BY LAW.

26 G. EACH VIOLATION OF THIS ARTICLE AND EACH DAY ON WHICH THE
27 VIOLATION OCCURS OR CONTINUES IS A SEPARATE OFFENSE.

28 44-1383.02. Private right of action; violation; civil
29 penalties

30 A. A BUYER WHO PURCHASES GOODS AND SERVICES AS DEFINED IN SECTION
31 44-1383 FROM A SELLER WHO IS FOUND IN VIOLATION OF THIS ARTICLE HAS A
32 PRIVATE RIGHT OF ACTION.

33 B. A SELLER WHO VIOLATES THIS ARTICLE MAY BE LIABLE IN A PRIVATE
34 RIGHT OF ACTION TO THE BUYER FOR:

35 1. NOT MORE THAN \$10,000 FOR EACH VIOLATION.

36 2. NOT MORE THAN \$25,000 FOR EACH VIOLATION IF THE BUYER IS AT
37 LEAST SIXTY YEARS OF AGE.

38 44-1383.03. Preemption

39 THIS ARTICLE DOES NOT PREVENT A CITY, TOWN OR COUNTY FROM ENACTING
40 ORDINANCES THAT PROHIBIT EXCESSIVE PRICING OR FROM IMPOSING PENALTIES IN
41 EXCESS OF THOSE PROVIDED IN THIS ARTICLE.